

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**TRANSMITTAL  
FORM**

(to be used for all correspondence after initial filing)

Application Number	09/872,250
Filing Date	June 1, 2001
First Named Inventor	Gary S. Grubb
Art Unit	1617
Examiner Name	S. M. R. Hui
Attorney Docket Number	AM100058/103250.10601

Total Number of Pages in This Submission

**ENCLOSURES (Check all that apply)**

<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/ Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Communication and copy of Information Disclosure Statement
<b>Remarks</b> VIA EFS WEB DATE SENT: October 11, 2007		

**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT**

Firm Name	Pepper Hamilton LLP		
Signature	/Michael A. Patane, Reg.No. 42982/		
Printed name	Michael A. Patane		
Date	October 11, 2007	Reg. No.	42,982

**CERTIFICATE OF TRANSMISSION/MAILING**

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:

Signature			
Typed or printed name		Date	

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Inventor: **Gary S. Grubb**

Serial No.: **09/872,250**

Group Art Unit: **1617**

Filed: **June 1, 2001**

Examiner: **San Ming R. Hui**

Confirmation No.: **4735**

Title: **Starter Kit for Low Dose Oral Contraceptives**

**Mail Stop Office of Patent Legal Administration**

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Dear Sir:

**COMMUNICATION**

Applicants note with appreciation that the Office has indicated this application is entitled to 502 days of Patent Term Adjustment. Upon review of the file history and discussion with the Office of Patent Legal Administration, Applicants believe the term adjustment may be longer than appropriate. It is Applicants' understanding that in such circumstances, a petition under 1.705(b) need not be filed. This statement is being filed pursuant to Applicants' continuing duty of candor and good faith to the Office.

Applicants further note that during an October 4, 2007 conversation with Michael A. Patané, Examiner Hui indicated that he would initial each reference on Form PTO/SB/08A, originally submitted with an IDS on December 9, 2002; and forward a copy of the same to Applicants. As of October 11, 2007, Applicants have not received a copy of the initialed form. In addition, the Patent Application Information Retrieval (PAIR) system has no record of such action. Accordingly, Applicants submit herewith a copy of the Supplemental IDS filed December 9, 2002 and respectfully request that the Examiner initial the references listed therein (if he has

not already done so) and enter the initialed document into the official record. Applicants thank the Examiner in advance for his assistance in this matter.

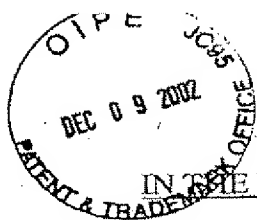
The Examiner is invited to contact Applicants' undersigned representative at (215) 981-4997 if there are any questions regarding Applicants' claimed invention.

Respectfully submitted,

/Michael A. Patané, Reg.#42,982/  
Michael A. Patané

Date: **October 11, 2007**

Pepper Hamilton LLP  
50<sup>th</sup> Floor  
500 Grant Street  
Pittsburgh, PA 15219-2502  
Phone: 215-981-4997  
Fax: 412-281-0717



Docket No: AM100058  
Patent

TECH CENTER 1600/2900

DEC 13 2002

RECEIVED  
#8  
AKO  
1-8-03

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re of Application of: Gary S. Grubb  
Serial No.: 09/872,250 Group Art No.: 1617  
Filed: June 1, 2001 Examiner: S.R. Hui  
For: Starter Kit for Low Dose Oral Contraceptives  
Confirmation No.: 4735  
Customer Number: 25291

Commissioner for Patents  
Box DD  
Washington, DC 20231

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

I. Preliminary Statements

In accordance with 37 CFR 1.97 and 1.98, Applicants submit herewith patents, publications, or other information of which they are aware, which they believe may be material to the examination of this application and in respect of which there may be a duty to disclose in accordance with 37 CFR 1.56. This Information Disclosure Statement is not to be construed as a representation that: (i) a search has been made; (ii) the information is material to the examination of this application; (iii) additional information material to the examination of this application does not exist; (iv) the information, protocols, results and the like reported by third parties are accurate or enabling; or (v) the information constitutes prior art to the subject invention.

**CERTIFICATE OF MAILING 37 CFR §1.10**

I hereby certify that this paper and the documents referred to as enclosed therein are being deposited with the United States Postal Service on the date written below in an envelope as "Express Mail Post Office to Addressee" Mailing Label Number EV212530955US addressed to the Commissioner for Patents, Box DD, Washington, DC 20231.

December 9, 2002  
Date

Roxanne L. Kelly  
Roxanne L. Kelly

'11/2002 SDENB081 00000037 011425 09872250  
FC:1806 180.00 CH

2. Identification of Time of Filing

This Information Disclosure Statement

- a. ☐ is filed within three months of the filing date of the application.
- b. ☐ is filed before the mailing date of a first Office Action on the merits.
- c. ☐ is filed before the mailing date of a first Office Action after the filing of a request for continued examination under 37 CFR 1.114.
- d. ☐ is filed after the period specified in 2(a), 2(b) or 2(c) above, but before the mailing date of a final action under 37 CFR 1.311. This statement includes a certification under 37 CFR 1.97(e) or the fee set forth in 37 CFR 1.17(p).
- e. ☒ is filed after the mailing date of a final action or Notice of Allowance but before payment of the issue fee. This statement includes (i) a certification under 37 CFR 1.97(e), and (ii) the fee set forth in 37 CFR 1.17(p).

3. ☐ Certification under 37 CFR 1.97(e)

The undersigned attorney certifies

- a. ☒ that each item of information contained in the Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the statement, or
- b. ☐ that no item of information contained in the Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application or, to the knowledge of the person signing the certification after making reasonable inquiry, was known to any individual designated in 37 CFR 1.56(c) more than three months prior to the filing of the statement.
- c. ☐ The undersigned attorney certifies that each item of information contained in the Information Disclosure Statement was cited in a communication from a foreign application patent office in a counterpart foreign application and was not received by any individual designated in 37 CFR 1.56(c) more than thirty (30) days prior to the filing of the statement.

☒ Newly Cited Information

A legible copy of the patents, publications or other information cited on the attached form PTO 1449 is enclosed, except that no copy of a pending U.S. application is enclosed.

☐ Previously Cited Information

No copy of the patents, publications or other information cited on the attached form PTO-1449 is enclosed because it has been previously cited by or submitted to the Office in a prior application which is relied upon for an earlier filing date under 35 USC 120.

Prior application is Serial Number \_\_\_\_\_, filed on \_\_\_\_\_ of \_\_\_\_\_ for \_\_\_\_\_.

- ☐ Concise Explanation  
Documents cited above which are not in the English Language
- a. ☐ have been explained in the specification.
- b. ☐ have an abstract (or other concise explanation) in English enclosed or if readily available a translation into English of the document is enclosed.

Form PTO-1449 is enclosed in duplicate.

- ☒ Fees
- ☒ Fee for filing under 37 CFR 1.97(c) or (d)      Fee: \$180.00

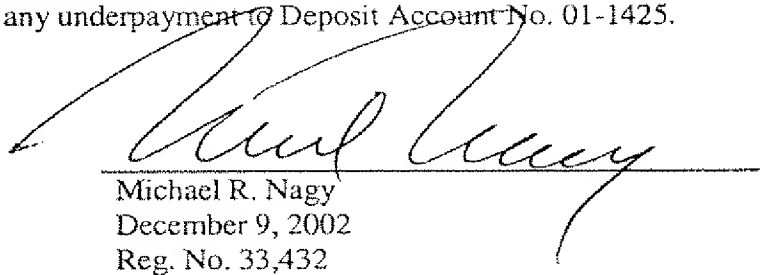
Method of Payment of Fees:

Charge Deposit Account No. 01-1425 in the amount of \$180.00.

A duplicate of this statement is enclosed.

Instructions as to Overpayment/Underpayment:

Credit any overpayment and charge any underpayment to Deposit Account No. 01-1425.



Michael R. Nagy  
December 9, 2002  
Reg. No. 33,432

Wyeth  
Patent Law Department  
Five Giralda Farms  
Madison, NJ 07940-0874  
Tel. No. (610) 902-2624

Substitute for form 144B/PTO

INFORMATION DISCLOSURE  
STATEMENT BY APPLICANT

(use as many sheets as necessary)

DEC 09 2002

Complete if Known

Application Number	09/872,250
Filing Date	June 1, 2001
First Named Inventor	Gary S. Grubb
Group Art Unit	1617
Examiner Name	S.R. Hui
Attorney Docket Number	AM100058

Sheet 1 of 1

U.S. PATENT DOCUMENTS

Examiner Initials*	Cite No.	U.S. Patent Document		Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number (If known)	Kind Code (If Known)			
	1.					

FOREIGN PATENT DOCUMENTS

Examiner Initials*	Cite No.	Foreign Patent Document			Name of Patentee or Applicant of Cited document	Date of Publication of Cited Document MM-DD-YYYY	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T
		Office	Number	Kind Code (If Known)				
	2.	WO	97 41870		American Home Products	11-13-97		<input type="checkbox"/>
	3.	WO	98 04268		American Home Products	02-05-98		<input type="checkbox"/>

OTHER PRIOR ART — NON PATENT LITERATURE DOCUMENTS

Examiner Initials*	Cite No.	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.) date, page(s), volume-issue number(s), publisher, city and/or country where published.	T

RECEIVED  
DEC 13 2002  
TECH CENTER 1600/2900

Examiner Signature	Date Considered
-----------------------	--------------------

EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of form with next communication to applicant.